

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, April 12, 2011 (7:30 p.m.)

Board Members: Gary Eberhart, Sherry Whitmarsh, Linda Mayo, Lynne Dennler (participated via teleconference from 4327 Lower Honopiilani Road, Kahana, Maui), and Cheryl Hansen

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin, Mildred Browne, Rose Lock, General Counsel Gregory Rolan, and Chief Financial Officer Bryan Richards

CALL TO ORDER

The Meeting of the Board of Education of the Mt. Diablo Unified School District was called to order by Gary Eberhart at 6:00 p.m. in the Board Room at the MDUSD Dent Center.

CLOSED SESSION

The Board adjourned to Closed Session at 6:00 p.m. in Room 6 at the Dent Center. Items discussed were negotiations, existing litigation with Brooktree Homeowners Association, no anticipated litigation, and public employee discipline/dismissal/release/complaint. The Board voted to revoke readmission of student 59-09, grant the request for a second extension of the District Administrative Panel meeting for student A, and approve two expulsions.

Public Comment

Northgate Pride Foundation members Ralph Austin and Kassie Wenzell asked the Board to approve the Settlement Agreement.

RECONVENE OPEN SESSION

The Board reconvened open session at 7:34 p.m. in the Board Room at the MDUSD Dent Center. President Eberhart led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

PUBLIC COMMENT

None

8.1 Expulsion Recommendation - Student #14-11

Hansen moved, Mayo seconded and the Board voted 5-0-0 that Student #14-11 be expelled from all schools and programs of Mt. Diablo Unified School District. It is also required that Student #14-11 present evidence of: a minimum of 20 hours of participation and progress in individual counseling designed to address decision making skills; completion of 30 hours of community service; completion of the California Offender Program Services (COPS) for Alcohol/Drug offenders; Drug Free Testing; and show evidence of a successful school experience to include good attendance, no suspendible behavior infractions, and a minimum of a C average prior to applying for readmission after April 12, 2012.

8.2 Expulsion Recommendation - Student #15-11

Whitmarsh moved, Mayo seconded and the Board voted 5-0-0 that Student #15-11 be expelled from all schools and programs of Mt. Diablo Unified School District. It is also required that Student #15-11 participate in individual counseling to address anger and coping skills, 30 hours of community service, California Offender Program Services (COPS) for Aggression, MDUSD Teen Anger Management Workshop, and show evidence of a successful school experience to include good attendance, no suspendible behavior infractions, minimum of 2.0 average, and earn 30 credits in high school by January, 2012.

CONSENT AGENDA

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to approve the consent agenda as presented.

9.2 (Item #2) Minutes of the meetings of March 8 and March 15, 2011

9.3 (Item #3) Recommended Action of Certificated Personnel

Changes in status of certificated employees.

9.4 (Item #4) Aligning Categorical Funding in Student Achievement and School Support with the Positions Performing the Related Work

As outlined in Procedure 905 (Documenting Salaries and Wages) in the CSAM (California School Accounting Manual), we are required to document the salaries and wages charged to categorical programs. With the reorganization of Curriculum & Instruction into Student Achievement and School Support effective July 1, 2010, the attached changes need to be made to align the categorical funding with the positions performing the work related to those programs. The overall amount of FTE (Full-Time Equivalent) is not changing.

9.5 (Item #5) Request to Include Fiscal Analyst Position on the same Calendar as Fiscal, Benefits, and Personnel

The Board approved Resolution #09/10-59 at the April 27, 2010 meeting (effective July 1, 2010), which defined the reduced work year for CST unit members. Due to the payroll, benefits, budget deadlines, and year-end processes which occur in July, the Fiscal Services, Personnel, and Benefits employees were reduced by ten days (spread throughout the year), rather than a half month in July. Two Fiscal Analyst positions (0.9375 FTE in Maintenance & Operations, held by #23183, and 0.9375 FTE in Special Ed., currently vacant) are subject to the same deadlines and should have been included in the "reduced by ten days" group, rather than the "reduced by half a month" group. This action requests the Board approve the change to the calendar for the two Fiscal Analyst positions effective July 1, 2011.

9.6 (Item #6) Recommended Action for Classified Personnel

Changes in status of classified employees.

9.7 (Item #7) Classified Personnel: Increase in Hours for a Site Technology Support Technician II Position at Shore Acres Elementary School

Shore Acres Elementary School is requesting to increase the hours of an existing, vacant, part-time Site Technology Support Technician II position from 8 hours/week; 10 months to 16 hours/week; 10 months. The site had originally intended the hours to be 16/week.

9.8 (Item #8) IFAS Vendor Warrant Report and IFAS Vendor Cancellations Warrant Report for the Month of March 2011

IFAS Vendor Warrant Report and IFAS Vendor Cancellations Warrant Report for the month of March 2011. Payments have been made to meet the District's obligations for salaries, benefits, supplies, contract services, equipment, capital improvements and other outgo.

9.9 (Item #9) Contract for Architectural/Engineering Services for the Design of High Efficiency ('SMART') General Science Classroom

In consideration of the fact that on February 23, 2010 the Board of Education approved a contract for the development of a District-owned, reusable, high efficiency, DSA (Department of the State Architect)-approved standard classroom design, staff is now recommending that a design services contract be awarded for the development of a district owned, DSA-approved design for the 2010 Measure C general science classrooms which incorporates those same architectural and high energy efficiency standards. Once approved, the design and specifications for all iterations/configurations of this high efficiency classroom will be deemed 'Pre-checked' by the DSA and any future approvals would then be significantly expedited. Moreover, the District will enjoy full, perpetual and exclusive re-use rights to this highly efficient science classroom design. Staff has negotiated a 'not to exceed', fully inclusive contract for the provision of comprehensive design, engineering and estimating services related to the development of the science classroom with PHd Architects for a fixed fee of \$59,500.

9.10 (Item #10) Independent Contract for Wine Valley Catering for College Park High School Senior Ball

College Park High School is requesting approval of an independent contract in the amount of \$30,000 for Wine Valley Catering for their senior ball to be held on May 21, 2011.

9.11 (Item #11) Independent Services Contract for Alameda County Office of Education (COE)

The Mt. Diablo Unified School District has requested that Phil Gonsalves, Alameda COE, provide intensive mathematics and coaching support to all MDUSD middle schools in 2011-12. This support will consist of administrator training (2 days), teacher training (1 day before school year begins), teacher training during the school year (5 days), and site visits (9 days).

9.12 (Item #12) Approval of Contract with Exploring New Horizons for Monte Gardens Elementary School

Students at Monte Gardens Elementary School will participate in the Exploring New Horizons (ENH) Outdoor Education Program at Camp Loma Mar for the period of May 16-20, 2011. As several schools contract with ENH, cumulative costs exceed \$25,000, therefore Board approval is required.

9.13 (Item #13) Approval of Contract with Sacramento County Office of Education for Mt. Diablo Elementary School

Students at Mt. Diablo Elementary School will participate in the Sacramento COE Environmental Education Program at Sly Park April 18-22, 2011. Board approval is required because costs will exceed \$25,000.

RECOGNITIONS

Superintendent Lawrence introduced the Contra Costa County Teacher-of-the-Year nominees: Nichole Hackett, College Park High; Sue Noce, Foothill Middle; Carissa Sugden, El Monte Elementary; and Jean Sullivan, College Park High.

Superintendent Lawrence introduced students from the District who finished in the top 10 of the Contra Costa County Spelling Bee and Geography Bee: Spelling Bee-Monishaa Suresh, Diablo View Middle; Micalyn Struble, Valle Verde Elementary, Samantha Dumalig, Sequoia Middle. Geography Bee Alex Cendejas.

PUBLIC COMMENT

None

COMMUNICATIONS

Zehra Otus read a letter to the Board on behalf of the department chairs of the District's middle and high school world language expressing concerns about the future of foreign language instruction in the District on departments.

SUPERINTENDENT'S REPORT

None

BUSINESS/ACTION ITEMS

15.1 Resolution 10/11-57 Day of the Teacher

The Mt. Diablo Unified School District Board of Education wishes to adopt a resolution acknowledging the lifelong influence that teachers can have on the lives of our children and to express its appreciation for the creativity, dedication, and talent of teachers in the Mt. Diablo Unified School District.

Whitmarsh moved, Hansen seconded and the Board voted 5-0-0 to adopt the Resolution 10/11-57 as presented.

15.2 Approval of Resolution - Asian Pacific Heritage Month

The California Department of Education has designated May as Asian Pacific Heritage Month. This resolution recognizes the many contributions made by the people from the Asian Pacific lands to the growth and development of California's Heritage.

Whitmarsh moved, Mayo seconded and the Board voted 5-0-0 to adopt the Resolution 10/11-54 as presented.

15.3 Williams Quarterly Report, March 31, 2011

The Williams legislation is a package of state laws resulting from the settlement of class action lawsuit filed in San Francisco County Superior court in 2000, Eliezer Williams et al, vs. State of California. The basis of the lawsuit was that agencies failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers. The Contra Costa County Office of Education has requested quarterly reports on specific complaints designated in the Williams lawsuit settlement. Quarterly reports reflect complaints

regard textbooks and instructional materials, teacher vacancies or misassignments, facilities conditions and Valenzuela/CAHSEE support. This quarter's report includes the months of January through March 2011.

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to approve as presented.

15.4 Revise Calendar for 2011-2012 School Year

The 2011-12 School Calendar, which was approved on January 25, 2011, is being revised to have students begin one day earlier, August 30 instead of August 31. Students will not attend school on January 30, 2012. Teachers will lose one in-service work day on August 30 but will gain that in-service work day on January 30, 2012. This change in schedule will allow for more flexibility in scheduling possible furlough days during the 2011-2012 school year. At this time, the number of furlough days necessary to balance the budget must be negotiated in the fall. MDEA has reviewed this change in the schedule for the 2011-2012 school year.

Whitmarsh moved, Mayo seconded and the Board voted 5-0-0 to approve as presented.

15.5 Request to Approve Tentative Agreement between Mt. Diablo Education Association (MDEA) and Mt. Diablo Unified School District (MDUSD)

A tentative agreement was reached between the bargaining teams. This tentative agreement is a one year successor contract. Other agreed upon tentative agreements referred to in the Agreement: Article 6 Class Size - Clean up language that says if grievances are filed for class size overages on or after the 19th student day, the grievance will be filed at Step II. Article 7 Work Year - Parties begin bargaining in September for the 2011-2012 and 2012-2013 successor agreement and discuss furlough days. Article 8 Job Shares - Clarifies that job shares are to be comprised of permanent employees with limited exceptions. Article 13 PAR - Pilot Program for 2011-2012 and 2012-2013 permits the PAR panel to interview and select an eligibility pool of TSA applicants for teacher coach positions. Principals would then select TSA's from that pool. Article 15 Outdoor Education - Clarifies that teachers who do not attend Outdoor Ed with their class can exchange assignments with another unit member at the site. If the principal does not agree with the intended exchange, he or she can assign the unit member teaching duties at the site. Article 19 Personal Necessity Leave - "Discretionary Days" - Assuming unit members have sufficient accumulated sick leave (10 days of which can be converted to personal necessity leave annually), they can use three (3) days of personal necessity leave annually at their discretion. Unit members must provide three (3) days advance notice to the principal. Article 26 Summer School - If teachers are selected to teach summer school and it is necessary to reduce the number, the reduction will be based on seniority.

Superintendent Lawrence announced this is a one-year contract and MDEA has agreed to three (3) furlough days to be scheduled on May 6, May 27 and May 31.

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to approve as presented.

15.6 Request to Approve Tentative Agreement between California School Employees Association (CSEA) and Mt. Diablo Unified School District (MDUSD)

The attached tentative agreement was reached between the bargaining teams. This agreement shall have a three (3) year term of July 1, 2010 through June 30, 2013.

Superintendent Lawrence thanked the CSEA team. CSEA has agreed to a cap on medical benefits, proration for new employees and three (3) furlough days the same as MDEA.

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to approve as presented.

15.7 Classified Personnel: Resolution of Reduction or Discontinuance of Classified Employees (Classified Layoff) Resolution No. 10/11-55

Under state law, school districts are required to provide not less than 45 days notice to classified employees of a layoff. The notice includes the effective date of the layoff, and the displacement and reemployment rights of the notice employee. Resolution No. 10/11-55 lists the classified positions that are ending due to the expiration of funding programs. With the adoption of Resolution 55, the Assistant Superintendent of Personnel Services will be directed to send notices to affected classified employees informing them that their services will not be required for the 2011-2012 school year. The Resolution also adopts the criteria that Personnel Services will use to determine

whether employees whose services are being eliminated have sufficient experience and qualifications to bump less senior employees. Finally, the Resolution directs that layoff notices be sent to the appropriate classified employees in order to effectuate a reduction of the classified staff in an amount equal to the number of full-time equivalent positions listed on the Resolution in accordance with Education Code.

Whitmarsh moved, Mayo seconded and the Board voted 5-0-0 to approve as presented.

15.8 Classified Personnel: Resolution of Reduction or Discontinuance of Classified Employees (Classified Layoff) Resolution No. 10/11-56

Under state law, school districts are required to provide not less than 45 days notice to classified employees of a layoff. The notice includes the effective date of the layoff, and the displacement and reemployment rights of the noticed employee. Resolution No. 10/11-56 lists the classified positions that are ending based on program modifications and budgetary limitations such as funding sources ending, school closures, and actions taken at previous Board meetings. With the adoption of Resolution 56, the Assistant Superintendent of Personnel Services will be directed to send notices to affected classified employees informing them that their services will not be required for the 2011-12 school year. The Resolution also adopts the criteria that Personnel Services will use to determine whether employees whose services are being eliminated have sufficient experience and qualifications to bump less senior employees. Finally, the Resolution directs that layoff notices be sent to the appropriate classified employees in order to effectuate a reduction of the classified staff in an amount equal to the number of full-time equivalent positions listed on the Resolution in accordance with Education Code.

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to approve as presented.

15.9 Revise Administrative Rule 4317.1 to institute a vesting period for Diablo Managers Association (DMA) members to receive retirement benefits

Revise AR 4317.1 to institute a vesting period for Diablo Managers Association (DMA) members to receive retirement benefits as per the attached.

This was presented as information only and will be returned for action.

15.10 Budget Reductions

The Board President has asked that this item be on this and subsequent agendas as information.

Superintendent Lawrence announced there will be budget meetings every Monday from 4:30 to 6:30 and Wednesday from 6:30 to 8:30 through May 18, at Loma Vista Loma Vista Adult Center, Multi-Use Room, 1235 San Carlos Ave., Concord. Parents, administrators and staff from all sites have been invited to attend and the public is welcome.

President Eberhart asked Superintendent Lawrence to have the dates and times posted on the District website for the community so they will be able to attend.

15.11 School Closure Transition Plan

The Board President has asked that this item be on this and subsequent agendas as information.

President Eberhart said he will work with Superintendent Lawrence to get updated figures, prior to the next Board meeting on May 10, on the cost savings to the District by closing Glenbrook Middle School and Holbrook Elementary School. Superintendent Lawrence stated that as soon as the transfer deadline ended on April 26, an updated projection could be prepared showing what the anticipated savings to the District will be when the schools are closed.

Public Comment

Brian Lawrence commended the District on their fiscal transparency and asked for an accounting summary for the School Closure Transition Plan because it's hard to follow.

BOARD MEMBER REPORTS

Cheryl Hansen thanked Sherry Whitmarsh for all her work in the preparation of a timeline around Strategic Planning. Strategic Planning meeting dates are public meetings which will be posted so all Board members may attend.

Linda Mayo attended the Contra Costa County Science and Engineering Fair. She also visited Valhalla and Bancroft Elementary schools and attended the Community Advisory Committee meeting with Mrs. Dennler. She also attended the School Climate/Coordinated School Health Council Meeting. Ms. Mayo announced that April is National Child Abuse Prevention Month. More information can be obtained at www.Kidsdata.org. She announced that education organizations are coordinating efforts and a website has been established. More information can be obtained at www.castateofemergency.com

Sherry Whitmarsh announced that the booster vaccine is required for all high school and middle school students. Ms. Whitmarsh stated that all Board members can attend the Strategic Planning meetings without Brown Act violation because all the meetings will be posted.

Gary Eberhart announced the Board will have a study session with staff on April 26 regarding school climate and discipline issues.

ADJOURNMENT

The meeting adjourned at 8:49 p.m.